

RECEIVED

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE

FEB 13 2024

☐ Eastern (Jackson) DIVISION  
☐ Western (Memphis) DIVISION

Wendy R Oliver, Clerk  
U.S. District Court  
W.D. OF TN, Memphis

Carolyn Davis

Plaintiff,

vs.

City Of Memphis

Defendant.

No. \_\_\_\_\_

COMPLAINT

1. This action is brought for discrimination in employment pursuant to (check only those that apply):

☐

Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (amended in 1972, 1978 and by the Civil Rights Act of 1991, Pub. L. No. 102-166) (race, color, gender, religion, national origin).

**NOTE:** In order to bring a suit in federal district court under Title VII, you must first obtain a right to sue letter from the Equal Employment Opportunity Commission.

☒

Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 – 634 (amended in 1984, 1990, and by the Age Discrimination in Employment Amendments of 1986, Pub. L. No. 92-592, the Civil Rights Act of 1991, Pub. L. No. 102-166)

**NOTE:** In order to bring a suit in federal district court under the Age Discrimination in Employment Act, you must first file charges with the Equal Employment Opportunity Commission.

☐

Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 – 12117 (amended by the ADA Amendments Acts of 2008, Pub. L. No. 110-325 and the Civil Rights Act of 1991, Pub. L. No. 1102-166).

**NOTE:** In order to bring a suit in federal district court under the Americans with Disabilities Act, you must first obtain a right to sue letter from the Equal Employment Opportunity Commission.

JURISDICTION

2. Jurisdiction is specifically conferred upon this United States District Court by the aforementioned statutes, as well as 28 U.S.C. §§ 1331, 1343. Jurisdiction may also be appropriate under 42 U.S.C. §§ 1981, 1983 and 1985(3), as amended by the Civil Rights Act of 1991, Pub. L. No. 102-166, and any related claims under Tennessee law.

PARTIES

3. Plaintiff resides at:

2671 Dwight Rd  
STREET ADDRESS

Shelby, TN, 38114, 901 650 1439  
County State Zip Code Telephone Number

4. Defendant(s) resides at, or its business is located at:

499 S Hollywood  
STREET ADDRESS

Shelby, Memphis, TN, 38111  
County City State Zip Code

NOTE: If more than one defendant, you must list the names, address of each additional defendant.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. The address at which I sought employment or was employed by the defendant(s) is:

499 S Hollywood

STREET ADDRESS

Shelby, Memphis, Tn, 38111  
County City State Zip Code

6. The discriminatory conduct of which I complain in this action includes (check only those that apply)

- ☐ Failure to hire
- ☐ Termination of my employment
- ☐ Failure to promote
- ☒ Failure to accommodate my disability
- ☐ Unequal terms and conditions of my employment
- ☐ Retaliation
- ☒ Other acts(specify): Allowed much younger coworker to do a ride along with another coworker. That got injured off the job. She had brace on her right arm + right leg

NOTE: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court.

7. It is my best recollection that the alleged discriminatory acts occurred on:

12-21  
Date(s)

8. I believe that the defendant(s) (check one):

- ☐ is still committing these acts against me.
- ☒ is not still committing these acts against me.

9. Defendant(s) discriminated against me based on my:

(check only those that apply and state the basis for the discrimination. For example, if religious discrimination is alleged, state your religion. If racial discrimination is alleged, state your race, etc.)

☐ Race \_\_\_\_\_

☐ Color \_\_\_\_\_

☐ Gender/Sex \_\_\_\_\_

☐ Religion \_\_\_\_\_

☐ National Origin \_\_\_\_\_

☒ Disability \_\_\_\_\_

☒ Age. If age is checked, answer the following:

I was born in 12/19/1958. At the time(s) defendant(s) discriminated against me.

I was [ ] more [ ☒ less than 40 years old. (check one)

**NOTE:** Only those grounds raised in the charge filed the Equal Employment Opportunity Commission can be considered by the federal district court.

10. The facts of my case are as follows:

I had an accident 9/31, young man run his car speed, hitte into to driverside of my work car, that threw him through my windshield. I was off until they did their investigation (2 weeks) I return back on office duty only. I had began to have very bad night mare, I couldn't sleep. Worked comp. Dr. took me off work for 6 week week of psychiatric treatment. I return to work on 12-3-21 on office duty only. I was told by Johnnie Hardeman (manager) they had no office for me to go back home they will pay me, to return when I can get back in the field. (Attach additional sheets as necessary)

**NOTE:** As additional support for your claim, you may attach to this complaint a copy of the After about a month I was told by my Dr. to go back

to work in low pedestrian area + two traffice areas with a ride alone they refuse to let me do that. But one of my cowork got injury at Southern Hunting they allow her to do a ride alone with a older coworker. She die about 30 yrs old than her.



*charge filed with the Equal Employment Opportunity Commission or the Tennessee Human Rights Commission.*

11. It is my best recollection that I filed a charge with the Tennessee Human Rights Commission regarding defendant's alleged discriminatory conduct on: 10/31/23
12. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct on: 10/31/23  
Date

**Only litigants alleging age discrimination must answer Question #13.**

13. Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct. (check one):

- ☒ 60 days or more have elapsed
- ☐ Less than 60 days have elapsed.

14. The Equal Employment Opportunity Commission (check one):

- ☐ has not issued a Right to Sue Letter.
- ☒ has issued a Right to Sue letter, which I received on 11-16-23  
Date

**NOTE:** This is the date you received the Right to Sue letter, not the date the Equal Employment Opportunity Commission issued the Right to Sue letter.

15. Attach a copy of the Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.

**NOTE:** You must attach a copy of the right to sue letter from the Equal Employment Opportunity Commission.

16. I would like to have my case tried by a jury:

- ☐ Yes
- ☐ No

**WHEREFORE**, plaintiff prays that the Court grant the following relief:

- ☐ direct that the Defendant employ Plaintiff, or
- ☐ direct that Defendant re-employ Plaintiff, or
- ☐ direct that Defendant promote Plaintiff, or
- ☐ order other equitable or injunctive relief as follows: \_\_\_\_\_
- \_\_\_\_\_
- ☐ 1 direct that Defendant pay Plaintiff back pay in the amount of \_\_\_\_\_ and interest on back pay;
- ☒ direct that Defendant pay Plaintiff compensatory damages: Specify the amount and basis for compensatory damages: \$100,000.00
- \_\_\_\_\_

Carolyn Sam  
SIGNATURE OF PLAINTIFF

Date: 2-12-24

2471 Dwight Rd  
Address

Memphis Tn 38114

901 650-1439  
Phone Number

Enclosure with EEOC Notice of Closure and Rights (01/22)



## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Memphis District Office  
200 Jefferson Ave, Suite 1400  
Memphis, TN 38103  
(901) 685-4590  
Website: [www.eeoc.gov](http://www.eeoc.gov)

### **DETERMINATION AND NOTICE OF RIGHTS**

(This Notice replaces EEOC FORMS 161, 161-A & 161-B)

Issued On: 11/16/2023

To: Mrs. Carolyn Davis  
2671 Dwight Road  
Memphis, TN 38114  
Charge No: 490-2022-02875

EEOC Representative and email: THOMAS MCDANIEL  
Federal Investigator  
[thomas.mcdaniel@eeoc.gov](mailto:thomas.mcdaniel@eeoc.gov)

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### **DETERMINATION OF CHARGE**

The EEOC issues the following determination: The EEOC will not proceed further with its investigation and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.

### **NOTICE OF YOUR RIGHT TO SUE**

This is official notice from the EEOC of the dismissal of your charge and of your right to sue. If you choose to file a lawsuit against the respondent(s) on this charge under federal law in federal or state court, **your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice.** Receipt generally occurs on the date that you (or your representative) view this document. You should keep a record of the date you received this notice. Your right to sue based on this charge will be lost if you do not file a lawsuit in court within 90 days. (The time limit for filing a lawsuit based on a claim under state law may be different.)

If you file a lawsuit based on this charge, please sign-in to the EEOC Public Portal and upload the court complaint to charge 490-2022-02875.

On behalf of the Commission,

Digitally Signed By: Edmond Sims  
11/16/2023

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Edmond Sims  
Acting District Director